

**FILED**

FEB 29 2008

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY *RM* DEPUTY

2254 1983

FILING FEE PAID

Yes No

HTP MOTION FILED

Yes No

COPIES SENT TO

Court ☒ Per. ☐

United States District Court

of Southern District Federal Courts

880 Front Street Ste 4290

San Diego Ca. 92101-8900.

Aimees Law &amp; Meenas Law

James Lynn Hines.

Motion of complaint

V.

Fed. uscr. § 5.

Capt. Dan Hagen CCPA union c/o. P.O. A union \*

F.R.C.P. 5 (d).

Jaffe Inc. Wilshire Blvd. Los Angeles Ca.

Tim "Murphy" Dougherty. \*

42 USC § 1983

Lt. Macenroe. CCPA union (POA) \*

Torr's 862

Darlene "Eva" Gonzalez aka "Beaver", Denver (ca) %

**'08 CV 0446 DMS JMA**

Suzie B. Henderson - Gerson % \*

Medical Malpractice

Maura Cook % \*

Personal Injury.

Jim Izgrigg at Calif coc dept at Corr. \*

Officers % Randy Wood \*

Calif med. Assoc. cc.

% Roxanne Valentine

State to state.

Cindy Smith at coc Assoc union % \*

Public H's. Assoc.

Amber Collier - Smith " " % \*

ARS # 36-339 (C) (3)

Mrs. Henderson - Wagner - Stuart %

Ricky Gerson % aka J.J. Walker. \*

Sgt. Siefert % \*

Vera Atkinson % \*

Larry and Pamela Hissong % A.V.T. # #.

% Martinez SSu sound: 23; \*

Ortiz, Ruiz, Alvarez, Elzy, Pierson and;

Hernandez, Longoria, Gullager, Galzara.

Deacon Henderson - aka Green - Smith (eg). \*

R.N. Irene Zimmerman aka - (I) McDonald.

§

1 As an legal Interpleader F.R.C.P. 22<sup>nd</sup> Parent of  
 2 juvenile child advertised on television media by  
 3 local law enforcement agencies and health care agencies  
 4 as "Sadie" Oct to Nov 2005 Phoenix County Hospitals  
 5 (Granddaughter of Linda Sue Pearson Hines a full  
 6 blood Seminole Indian deceased 1-3-90 approx.  
 7 Medical Malpractice - aka "Sadie" living will circumstances  
 8 at B'nai B'rith St. Louis Mo.) West Side Pentecostal Temple.)

9 Forthwith it is within the statutes applicable  
 10 to be cognizable on behalf of Federal appellate as  
 11 incarcerated litigant disabled by dispositive prisoners  
 12 petition F.R.C.P. 72(6) seeking prohibition of  
 13 Harassment Orders in a Federal capacity Fed Rile.  
 14 Civil Proc 26(5). to be recognized as the natural  
 15 biological presumed and putative father of missing  
 16 child, State to State Corcoran 5140 IV A ymd 6-99;  
 17 10-99 and up to date, post 10 to 12-2005.<sup>4</sup>

18 XIV<sup>th</sup> Amend. of U.S. const. would allow a  
 19 Federal custody placement with Aimee or Megan's home  
 20 as a Native American Indian 42 yrs of 3 Indians  
 21 mixed Blood. Detained in an adverse situation as a  
 22 material witness by video and on location in North Park  
 23 at Defendants Computer Baby Sitting Services and Cleaning  
 24 Services St. Louis Mo to Brentwood Ch- to San Diego  
 25 Plaintiff pending appeal 207 cv 255 Phn Jar men  
 26 Phoenix Dist. Courts exigent need for app of counsel  
 27 due to money damages is sought over \$75,000.00 for  
 28 injuries 28 usc 1332 (a), to obtain witnesses and  
 29 counsel in defense of a Third (3) Party as an alibi

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Incidents re Outrageous out and in custody even during a family visit at Corcoran Court warrant a Investigatory cause to be expedited on behalf of juvenile child (now approx 18). Defendants No: 18<sup>th</sup> and 19<sup>th</sup> Illegal custodial. Grandmother and Aunt. pg. (1). San Diego Co. Flycatcher As St Louis Mo. and Phoenix POA capon personnel. Yrs. w/ priors.

42 USC 1983 § 3798 \*

Example of abuse re: Swimsuit of Kenneth Mc Fashions (4<sup>th</sup> cousin to plaintiff's Seminole mother) 18 in 1988 w/ defendant Mo: 8 and 10. esp.

42 USC 1983 2050 \*

Exploitation of a minor Defendants Mo: 8 to 29.4. Abusive exposure to linbilitis no supervision and familial relatives. capon POA 1/2 personnel. serious and injuriously to enable delinquency.

42 USC 1983 § 1457, 1452, 1458, 1459, 1460 and 1229. Generally. Custody, Investigations Registration of Abusers. Reporting Required. Statutory Violation (5).

Plaintiff is incarcerated for Aggravated Assault and moves now to claim justification as a civil m.o.o. edit parallel at San Diego County from Aracundo State Hospital Absconded in pursuit of justice w/ ee from Calif State Legislature speaks - person Christine Kuyhse. Pending Appeal. Ends.

REV. 2-13-2008.

11/21/07

James Ryan O'Daniel  
J. O'Daniel

(3)

1 James Lynn O'Hines 197067

2 ASPC Florence Egan Complex

3 Box 3400 1040 Smoile

4 Florence Az 85232

5.

6.

9th District Federal Courts Southern Dist

7.

Phoenix, Dist. and Central Dist (L.A.)

8.

Tri-applicability 28 USC 1332 (c).

9.

10 James Lynn O'Hines 197067 #

Imminent Danger Motion:

11.

vs

Ultra Hazardous Activity Tort

12.

Associate Deputy Warden; D.

520, 1977.

13.

Carillo, Lt Noriega - (etal) #

Abnormal Dangerous Activity:

14.

Title 28 USC § 1631 - 1652 #

15.

16.

Imminent Danger Motion U.H.A.T 520 1977 #

17.

18.

1. Involves the risk of serious harm to person and/or

19.

property: In the course of a protective activity custody/parole

20.

"necessary before the fact" identified as supervisors (detendents)

21.

State custody self defense of adequate provocations exposes liabilities

22.

2. Cannot be performed without this risk regardless of the

23.

precaution taken: Custody supervision in Arizona obstructs due

24.

process, denies liberty interest, by discriminatory Affirmative Action

25.

supervision by minorities and ulterior motive(s) of Administration

26.

3. Does not ordinarily occur in the community: Breach of

27.

confidentiality (out of context) California Tarasoff decision, Homicide

28.

evidence (Dr. Michael A. Jaffe MD), excessive media exposure.

29.

4. Federal Rules of Evidence: 803 (2) present sense impression

1 Federal Rules of Evidence: 1001-1004. Best Evidence Rule.  
 2 Accessory before the fact: Model penal code § 210.1 (1997)<sup>TH</sup>  
 3 State v. White NJ. 1984 148 N.J. 42d 691 98 NJ 122  
 4 Model penal code § 206 annot. (1997). Protected Activity  
 5 42 USC § 2000 (c) (3) (2) In custody on parole from  
 6 San Diego CA via Arascadero State Hospital.

7  
 8  
 9 5. Application: These Rules govern the procedure in Federal courts  
 10 as cognizable as (case at law) they shall be construed and  
 11 administered to secure the just and speedy result of this action.  
 12 6. Conclusion: all necessary means and measures have been  
 13 presented to the courts for discretionary review forthwith in  
 14 compliance with the rules and regulations for judgement to be  
 15 rendered. Thus conclusion is cognizable on behalf of appellant.

16 Feb. 10<sup>th</sup> 2008

17 Signed and dated

*Jamie Lynn O'Hara*  
 pro per / pro se.

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Supplement to U. U. U. T. 520 (1997)

Cautious and Extreme Danger = State Custody Supervisors as: Defendants, succinctly with computer programmers audio-video - technicians of Parole Community Services Division deny plaintiff a guarantee of safety and security by over familiar associations involving Mason Lodge tactical coordination exercised under color of authority.

Insurance: All state and Geico, claims for liability exposures / or accidents reveal a pattern of: state Dept. of Corrections supervisory deliberate indifference for police and health care public to private financial gains.

- ① Plaintiff's Damages: 10-2005 to E.P.R.D. 2-17-10.\*  
Leg wound in custody medical malpractice.
- ② Retro-active: Oct. 2 / and 3<sup>rd</sup> 1985. Involuntary Manslaughter  
O.U.I. San Diego Ca. Leg wound. (others involved) vehicles.  
1985 Toyota truck / 76 Buick
- ③ October, 7, 2004 D.F.L. Auto collision skull and Arm wounds  
Hospitalized and arrested. (aggravated assault, self defense)
- ④ 5-15-97 R.J. Donovan stabbed in back U.C.S.D. Hospital to  
4-30-04 U.C.S.D. Hospital surgical removal (of foreign object)
- ⑤ 1989 Blue Insurance Box w/ policy lost / stolen by defendant  
as: See exhibits: Bivens v. six unknown: St. Louis Mo.
- ⑥ 1988-89 Car accident (stolen car from defendant as  
over familiar to plaintiff) St. Louis Mo. 2 two autos of  
defendant w/ property of plaintiff inside stolen car.  
Impounded St. Louis police and Narcotics Agents.
- ⑦ 1985 December: automated Burglary charge Santa Barbara Ca  
(Judge Frank Ochoa: special recommendation Transcripts inc: of.)\*



⑧ Webster Groves Mo. Prudential Vice President Tom Zorumpsky wife Betsy Kowalski (cousin to plaintiff) "Rockingham", address succinctly to Brentwood, Ca. (Jutte Inc 4000 Block Wilshire Blvd.) to Rockingham (Webster - Brentwood).

⑨ Del Mar, Calif PCR Rule 32 atty. Kenneth S. Courtney m.d. P.C. and Dr. Michael A. Jutte 1994-96 w/ plaintiff: Evidence telephonic (documentary, letters), knowledge at Atty/clinic and patient - communication "out of context", California Turasoff decision, due to: (personal pillow talk), Defendant in possession of letters. Dr. Michael A. Jutte M.D. Inc. is a prosecutorial Forensic criminal psychiatrist for the county of: San Diego, Los Angeles, St. Louis, Maricopa (Parole & C.S.O.).

⑩ 1982. Plaintiff at Brentwood Ca. Residence (Defendant observation Parole and C.S.O.)

⑪ 1989 A.M.A medical care optional treatment for St. Louis to Houston Tx. denied for Living Will (B'nai B'rith.) Defendant supervised by computer plaintiff.

⑫ 2<sup>nd</sup> Day of arraignment: Marvin Shapiro Atty w/ O.J. Simpson: afternoon to late evening w/ assistance of supervisors as Defendant Parole & C.S.O. transportation of plaintiff w/ 22 spd. Mrs. Bille property of Dr. Michael A. Jutte, truck, van return to Del Mar from Downtown, viewing of C.A. Rom video clips (SSU surveillance) revealing crimes of double homicide, people on the scene, and altered evidence as re-mixed video: Adverse Witness: Adverse Dominion.

custody is predominantly racial oriented, controlled.

(13) From 6-99. and 10-99 Corcoran State prison family visit w/ children sister Anne failed to result in plaintiff's hospitalization for L.S.A. Flashback: (St. Louis Marcotis buy bus & operation Jason White - Appello Lewis: L.S.A. Mo. Dept. of Corr. % Lewis transfer to Coe. St. to Flo Smo. 9-12-04 to 10-7-04 child daughter 14 yrs. at age in phoenix w/ illegal custody supervisor's at Flagstaff Az % Cindy Smith, % Amber Miller-Smith. (MIA) ARS# 36-339 (c) (3) Missing child succinctly. concurrent for: (justification self defense in melcè.).

(14) Call to Az. Rule 11 competency - for parole violation w/ new term aka Jackson May R86984 ARS# 13-3842 F4 as James Lynn Hines 197067 ARS# 13-1204 F-3. (Double jeopardy). (Mottis in limitic)\* Brady Materials.\*

(15) On 10-7-04 after a bicycle purchase, Marcotis sales, brief case stolen w/w. song lyrics (see No. (6) ...)

(16) Ipso facto cases San Diego to Phoenix. 1-4-98 convictions for RJO Intimacy misconduct (but not as pleaded guilty as innocent w/ assault). Burdenkirk v. Hayes Set 1978. Miles v. Dorsey. 10th Cir (1985)

(17) 10-7-04 arrested at Good Samaritan Hospital. (Ditto Ipso-facto)



(18) Defendant as Supervisory Parole and c.s.o w/  
 individual business contract = "Grandma's Cleaning Service"  
 St. Louis Mo., and "Baby sitting service" by computer %.  
 Ms. Jennifer - Julie Kowalski (twins) w/ % Suzie Q. Henderson -  
 Gaston of B'nai B'rith Cheerfield Mo. and Santa Barbara  
 Ca. (eg) - And Hispanic eye wit status = (disinformation)  
 Karo Kalix baby sitting eye wit status = (disinformation)

(19) State custody exposes too great of a risk to  
 plaintiff Reverse Racial Discrimination by Defendant  
 Supervision as censorship and minority Affirmative  
 Action controlled to deny plaintiff (1) access to attorney  
 (2) Advocate witness Rule = and call parties civil mo  
 pre - Ariz. Rule 11 alien contract terms = S.D. County  
 pending civil suit = (Hines v. Conroy 2007 - 2007-8120-  
 ca-10-CRL). Adsec lock up orders prevent physical  
 injury after alleged Defendant's Investigator lock down  
 10-05 to E.P.R.D. 2/17/10. Hospitalized surgical  
 operations Leg and arm wounded).

(20) Exposure to Comparative Disparity discriminations. Call it a  
 Ariz. Hispanic population for unfair and impartial treatment,  
 Verse of plaintiff in the course of legal reprisal.

2/18/2008

pro/per pro/per = James Lynn Distasio

JS44

(Rev. 07/89)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the court or by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of filing the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

## I (a) PLAINTIFFS

James Lynn Hines

Hagen, et al

FEB 29 2008

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
DEPUTY

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES)

2254	DEFENDANTS
1983	
FILING FEE PAID	
Yes	No
HT MOTION FILED	
Yes	No
COPIES SENT TO	
Court	Prose

RESIDENCE OF FIRST LISTED DEFENDANT  
(U.S. PLAINTIFF CASES ONLY)

CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

James Lynn Hines  
SMU II Box 3400  
Florence, AZ 85232  
ADC# 197067

'08 CV 0446 DMS JMA

## II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |                            |                            |   |   |
|----------------------------|----------------------------|---|---|
| PT                         | DEF                        |   |   |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Citizen or Subject of a Foreign Country                       | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

## IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

## V. NATURE OF SUIT (PLACE AN x IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 680 Other	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<b>LABOR</b>	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(n))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 740 Railway Labor Act	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> Security Act		<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input checked="" type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property					

## VI. ORIGIN (PLACE AN x IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

## VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 2/29/2008

SIGNATURE OF ATTORNEY OF RECORD

R. Miller